

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALBERT ROMO,

Plaintiff,

v.

Case Number 06-14777-BC
Honorable Thomas L. Ludington

R. JAMES NICHOLSON,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION,
GRANTING PLAINTIFF'S MOTION TO DISMISS,
DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE,
AND DENYING PLAINTIFF'S MOTION TO FILE A NOTICE**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on November 13, 2007. The magistrate judge recommended that Plaintiff Albert Romo's complaint be dismissed, pursuant to Plaintiff's motion requesting the dismissal of all counts. Defendant R. James Nicholson responded by requesting dismissal with prejudice, and the magistrate judge recounts that Plaintiff was given notice that the magistrate judge's recommendation would be for dismissal with prejudice.

Separately, Plaintiff filed a motion indicating that he wished to file a notice. In that single page, hand-written document, he appears to inform the Court of ongoing administrative proceedings. In light of Plaintiff's motion to dismiss his own complaint, his motion to file a notice is moot.

Plaintiff has filed no objections to the magistrate judge's report and recommendation. Plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to

independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #18] is **ADOPTED** and that Plaintiff's motion to dismiss [dkt #15] is **GRANTED**. Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff's motion to file notice [dkt #13] is **DENIED** as moot.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 10, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 10, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS